

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/12/10 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, MPEP, section 2173.05(p) states, "A single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under 35 U.S.C. 112, second paragraph." Id. Claim 1 and its Dependent Claim 6 recite the **machine** including a money operated machine as claimed in Claim 1, with a replacement unit of the machine..., the **method** comprising: exchanging the replacement unit... Since Claim 6 claims both an apparatus and the method steps of using the apparatus, this claim is indefinite.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 6 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In particular, Claim 6 is directed to neither a "process" nor a "machine", but rather embrace or overlap two different statutory classes of invention set forth in 35 U.S.C. 101 which is drafted so as to set forth the statutory classes of invention in the alternative only. See MPEP, section 2173.05(p). In particular, Claim 6 recite both a process and a machine.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-4, 9 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fulcher et al (US 6,505,774 B1) in view of Castleberry (US 7,494,000 B2).

Regarding Claims 1 and 12, Fulcher discloses a money operated parking ticket machine (2) with removable/replaceable money cassette (17, 22) having a rechargeable and removable battery (528), as mentioned at col. 14, lines 45-67 and col. 21, lines 50-58. Note that Fulcher's machine (2) is operated with voltage power.

Regarding Claims 1 and 12, Fulcher does not expressly disclose, but Castleberry discloses a rechargeable, removable voltage source, as mentioned at col. 13, lines 48-53 and col. 16, lines 55-col. 17, line 4, that is located within the coin box, i.e., cashbox, that powers the entire device.

At the time of the invention, it would have been obvious to have used a rechargeable, removable battery, as taught by Castleberry, in Fulcher's money operated parking ticket device (2) for the purpose of maintaining operation remotely where there is no direct link to a power grid. Also note that Castleberry discloses both removable cash holding devices as well as removable/rechargeable batteries which both require removal and replacement. The cash holding devices require at least emptying the cash within and the batteries require at least recharging. Therefore, it would have been readily apparent to one of ordinary skill in the art to have combined both the battery to power Fulcher's entire device along with at least one of Fulcher's cash boxes for the purpose of reducing time to service Fulchers machine.

Regarding Claim 2, note that Fulcher's batteries are **capable** of being recharged as mentioned at col. 21, lines 50-58.

Regarding Claims 3, 13 and 14, note that Fulcher's cash boxes are **capable** of being held in a transportation frame arranged in a transportation vehicle that includes a charging station.

Regarding Claims 4, 9 and 15, note that Fulcher's cash boxes are **capable** of being held in a storage frame having a charging station and located at a cashbox emptying location or at a charging location.

8. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fulcher et al (US 6,505,774 B1) in view of Castleberry (US 7,494,000 B2) and further in view of Cassidy et al (US 5,615,625).

Fulcher discloses the system as described above.

Regarding Claims 6 and 10, Fulcher does not expressly disclose, but Cassidy discloses a recharging/docking station (12) which is disclosed as capable of being located "anywhere", as mentioned at col. 2, lines 30-40. Anywhere is also construed as meaning inside a transportation vehicle.

Note also that Cassidy further discloses a money cassette (20) having a rechargeable voltage source as mentioned at col. 4, lines 59-64 and col. 3, lines 32-40, with a voltage source for recharging the battery mentioned as element (92).

At the time of the invention, it would have been obvious to have recharged Washington's battery, as taught by Cassidy, for the purpose of recharging Washington's battery located in the cassette (334).

9. Claims 5, 16 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fulcher et al (US 6,505,774 B1) in view of Castleberry (US 7,494,000 B2) and further in view of Heatly (US 2005/0158616 A1).

Fulcher discloses the apparatus as described above.

Fulcher does not expressly disclose, but Heatly discloses a display (225) which indicates/displays a charge state of the voltage source, as mentioned at paragraph 33.

At the time of the invention, it would have been obvious to have incorporated a charge indicating display, as taught by Heatly, in Fulcher's cashbox in money operated parking ticket device (2) for the purpose of indicating when the battery in Fulcher's device is low on power and requires recharging. Note also that it would have been readily apparent to one of ordinary skill in the art to have placed the display on any surface that holds the battery such as the outside of the machine, or the outside of the battery directly, or both. Note Fulcher's display (200, 204, 206, 516), Castleberry's display (431) and Heatly's display (245). When taken with Castleberry's teaching of locating the display and the battery within the cashbox, it would have been readily apparent to one of ordinary skill to have added the display to the cashbox which holds the battery, as taught by both Castleberry and Heatly, in Fulcher's cashbox.

Response to Arguments

10. Applicant's arguments with respect to claims 1-6 and 9, 10, 12-16 and 18-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gorgone '583 is cited as an example of a money operated device, i.e., a banknote validator in which the cassette (38) has a battery (46) and a display (70).
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY A. SHAPIRO whose telephone number is (571)272-6943. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571)272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey A. Shapiro/
Primary Examiner, Art Unit 3653

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